

Mar 18, 1977

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

INSURANCE DEPARTMENT,
STATE OF NEW HAMPSHIRE

and

STATE EMPLOYEES' ASSOCIATION
OF NEW HAMPSHIRE, INC.

CASE NO. S-0322

77-10

APPEARANCES

Representing the Insurance Department, State of New Hampshire:

George W. Roussos, Esquire

Representing the State Employees' Association of N. H., Inc.:

Thomas F. Manning, Field Representative

FINDINGS

On August 12, 1976, petition for certification as exclusive representative for the Insurance Department, State of New Hampshire, was filed by Richard E. Molan, Assistant Executive Director, State Employees' Association of New Hampshire, Inc. Included with the petition were individual signature cards representing over 30% of the employees of the Department indicating their desire to be represented in collective bargaining by SEA.

Proposed unit included approximately seventeen (17) classified state employees of the Department and listed as exclusions under the "Supervisory" classification were: Claims & Hearings Officer; Director of Division, Property & Liability Insurance; Insurance License Supervisor; Insurance Office Assistant; and, Securities & Insurance Examiner II. Exclusion under the "Confidential" classification was the Clerk-Stenographer IV who is secretary to the Insurance Commissioner.

Exception to the petition as filed was taken by Commissioner Frank E. Whaland on August 25, 1976, stating that certain professional and supervisory positions had been included. Again on October 13, 1976, Commissioner Whaland objected to the proposed bargaining unit on the basis that certain confidential positions had also been included in the original petition.

On October 20, 1976, Hearing Officer, Edward J. Haseltine, held a conference in the offices of the Insurance Department with Commissioner Frank E. Whaland, George W. Roussos, Esquire of the Dept. and Thomas

F. Manning, Field Representative of SEA. No agreement was reached on the eligible list of voters and the Hearing Officer recommended both parties try to resolve the few positions in question and a tentative election date was set for November 5, 1976.

Attempts were made by both parties, however certain positions still remained in contention and on October 29, 1976, Richard E. Molan, Assistant Executive Director of SEA filed an amended petition to exclude the position of Insurance Rate Analyst II.

Exceptions to the amended petition were restated by George W. Roussos, Esquire, from the Insurance Department on November 1, 1976.

The Public Employee Labor Relations Board then held a public hearing on December 13, 1976 in Room 306 of the Legislative Office Building, Concord, New Hampshire to hear all of the evidence prior to the determination of the bargaining unit for the Insurance Department.

The positions in question as "Supervisory" were the Life Actuary and the Fire and Casualty Actuary. The Life Actuary position, although abolished in the Insurance Department, is still a position in state service and, as such, was in contention. Positions under "Confidential" were the Clerk-Stenographer IV who is Secretary to the Chief Examiner, and the Insurance Rate and Policy Examiner position.

Evidence was heard on the nature and degree of supervisory in the two positions of actuaries and the confidentiality of those positions involving the workings and files of the department.

The PELRB reviewed all of the evidence presented both at the conference held in October and at the public hearing on December 13th and determined that the actuaries, through the professionalism of their position, lacked the necessary community of interest with the other members of the proposed unit and should, therefore, be excluded from the unit. However, the confidentiality evidence supporting exclusion of the Deputy Commissioner's Secretary and the Insurance Rate and Policy Examiner was not sufficient to warrant their exclusion and their community of interest did, in fact, place them with the other positions in the proposed unit.

PELRB after careful consideration rules, as follows:

The Bargaining Unit for the Insurance Department, State of New Hampshire shall include all classified state employees with the exception of "Supervisory" positions: Claims & Hearing Officer; Director, Division of Property & Liability Insurance; Insurance License Supervisor; Insurance Rate Analyst II; Insurance Office Assistant; Securities & Insurance Examiner II; Life Actuary; and, Fire and Casualty Actuary. Also excluded as "Confidential" the Clerk-Stenographer IV--Secretary to the Insurance Commissioner.



Edward J. Haseltine, Chairman
Public Employee Labor Relations Board